

# NOTICE OF PROPOSED NEW RULE

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

## Agency Information

- Agency: Insurance - Title and Escrow Commission  
 Room no.: 3110  
 Building: STATE OFFICE BLDG  
 Street address 1: 450 N MAIN ST  
 Street address 2:  
 City, state, zip: SALT LAKE CITY UT 84114-1201  
 Mailing address 1: PO BOX 146901  
 Mailing address 2:  
 City, state, zip: SALT LAKE CITY UT 84114-6901

## Contact person(s):

Name: Phone: Fax: E-mail:

Jilene Whitby	801-538-3803	801-538-3829	jwhitby@utah.gov
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(Interested persons may inspect this filing at the above address or at DAR during business hours)

## Rule Information

DAR file no: 34447 Date filed: 02/15/2011 05:32 PM  
 State Admin Rule Filing Key: 150621  
 Utah Admin. Code ref. (R no.): R 592 - 15 -

## Title

- Title of rule or section (catchline):  
 Submission of a Schedule of Minimum Charges for Escrow Services

## Notice Type

- Type of notice: New Rule

## Rule Purpose

- Purpose of the rule or reason for the change:  
 The purpose of the rule is to combine rules R592-3, Submission of a Title Schedule of Filing, and R592-4, Standards for Charges for the Title Escrow Settlement Services and Title Fees, and to update procedures already taking place and as written in the department's other filing rules.

## Response Information

- This change is a response to comments by the Administrative Rules Review Committee.  
 No

## Rule Summary

- Summary of the rule or change:  
 This rule combines two rules, R592-3, Submission of a Title Schedule of Filing, and R592-4, Standards for Charges

for the Title Escrow Settlement Services and Title Fees. In addition it updates the language in the rule to follow that of other filing rules, and to update procedures already taking place and as written in other department filing rules. The rule clarifies standards, adds language regarding filing objection letters and provides language to certify that a filing being made to the department by the title industry has been properly completed and is in compliance with Utah laws and rules. All is currently being done.

#### Aggregate Cost Information

##### 7. Aggregate anticipated cost or savings to:

###### A) State budget:

Affected: No

The rule will have no fiscal impact on the department or state budget. The rule sets forth filing procedures already taking place. No additional filing or work will be required of department personnel.

###### B) Local government:

Affected: No

This rule will have no fiscal impact on local governments since it relates solely with the way title insurers, agencies and producers file their Minimum Charges for Escrow Services with the department.

###### C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

This rule updates the title filing procedure rule to follow language in other department rules and to follow what the department is already requiring of the title producers, agencies and insurers. It will have no fiscal impact on small businesses.

###### D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

This rule updates and clarifies procedures followed by the title industry when filing forms and policies with the department. These procedures are already being followed by the department and the industry. As a result, this new rule will create no additional or reduced cost to the title industry or its consumers, other businesses or local government entities.

#### Compliance Cost Information

##### 8. Compliance costs for affected persons:

This rule updates and clarifies procedures followed by the title industry when filing forms and policies with the department. These procedures are already being followed by the department and the industry. As a result, this new rule will create no additional or reduced cost to the title industry or its consumers, other businesses or local government entities.

#### Department Head Comments

##### 9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

This rule is the combination of two rules currently in effect. It clarifies and updates the procedures required to submit filings with the department.

##### B) Name and title of department head commenting on the fiscal impacts:

Neal T. Gooch, Commissioner

#### Citation Information

##### 10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :  
31A-19a-209

## Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

<p>Official Title of Materials Incorporated (from title page):</p> <p>Publisher:</p> <p>Date Issued:</p> <p>Issue, or version:</p> <p>ISBN Number:</p> <p>ISSN Number:</p> <p>Cost of Incorporated Reference:</p> <p>Adds, updates, removes:</p>
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## Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

03/31/2011

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):      At (hh:mm AM/PM):      At (place):

03/14/2011

09:00 AM

Senate (East) Building, 420 N State Street, Copper Room, Salt Lake City, UT

## Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy):

04/07/2011

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

## Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
- title escrow filing

## File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

## To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

## Agency Authorization

Agency head or designee, and title:

Jilene Whitby Information

Date (mm/dd/yyyy): 02/15/2011